

PROB 12B
(7/93)FILED
Clerk
District Court*United States District Court*

NOV 23 2005

for

*the Northern Mariana Islands*For The Northern Mariana Islands
By _____
(Deputy Clerk)**Report for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: Eric J.M. Hofschneider

Case Number: CR 01-00024-001

Name of Sentencing Judicial Alex R. Munson

Date of Original Sentence: March 12, 2002

Original Offense: Failure to Declare a Firearm, in violation of 18 U.S.C. § 922(e)

Original Sentence: Three months imprisonment followed by three years of supervised release with conditions to include that he submit to one urinalysis within 15 days of release and two more thereafter, participate in a substance abuse treatment program approved by the U.S. Probation Office for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse, refrain from the use of any and all alcoholic beverages; obtain and maintain gainful employment; perform 300 hours of community service; and pay a \$100 special assessment fee. Supervised release conditions were **modified** on June 23, 2004 to include an additional 150 hours of community service. A violation report was filed on August 19, 2004. Supervised release conditions were **modified** on August 26, 2004 to include another 300 hours of community service. On July 1, 2005, supervised release was **revoked** and a term of four months imprisonment was imposed followed by 32 months of supervised release with all conditions previously imposed.

Type of Supervision: Supervised Release Date Supervision Commenced: October 28, 2005

Assistant U.S. Attorney: Timothy E. Moran

Defense Attorney: Danilo Aguilar

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ years, for a total term of _____ years.
- ☒ To modify the conditions of supervision as follows:

CAUSE

- The defendant shall perform an additional 100 hours of community service under at the direction of the United States Probation Office

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On October 28, 2005, Eric Hofschneider was released from imprisonment. He submitted to a breathalyser as instructed by this officer. His blood alcohol content registered at .099. He was confronted about his drinking and he stated that he could not avoid it because many of his family members were drinking over the weekend. He admitted to drinking alcohol from Sunday night to Monday morning, between the hours of 10:00 p.m. and 1:00 a.m. He could not recall the amount of beers he had consumed. The breath sample was collected at Hofschneider's parents' residence at 11:55 a.m. on the island of Tinian.

This officer reminded Hofschneider about the graduated sanction program and he consented to performing community service as a sanction for violating his no alcohol condition. On November 9, 2005, Eric Hofschneider signed a Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, and consented to an additional 100 hours of community service. This probation officer therefore respectfully requests, that the Court modify the defendant's supervised release conditions to include that the defendant perform an additional 100 hours of community service.

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: 11/19/05

Respectfully submitted,

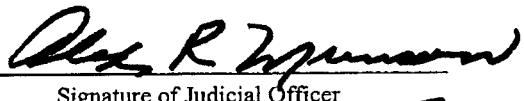
by: 
MARGARITA WONENBERG

U.S. Probation Officer

Date: 11-21-05

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above.
- ☒ The Modification of Conditions as Noted Above.
- ☐ Other


Signature of Judicial Officer

11-23-2005
Date

PRCH 49
(3/89)

United States District Court

for

District of Northern Mariana Islands

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

That the defendant shall perform an additional 100 hours of community service under the direction of the United States Probation Office.

Witness: Margaret DLG. Wonenberg
U.S. Probation Officer

Signed: Erik Hofschneider 11/9/05
Probationer or Supervised Releasee

November 9, 2005

Date